IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 23RD AUGUST 2006 / 1ST BHADRA 1928

Bail Appl..No. 4959 of 2006

CRMP.591/2006 of DISTRICT COURT, KOZHIKODE
CRIME NO.115/2006 OF KUNNAMANGALAM POLICE STATION

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PETITIONER/ACCUSED.

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1. C.K.MATHA, AGED 68 YEARS,
   W/O.LATE KORAPPAN, CHADAYANKUZHIYIL HOUSE,
   P.O.PILASSERY, KUNNAMANGALAM AMSOM,
   DESOM, KOZHIKODE TALUK.

2. C.K.INDIRA, AGED 38 YEARS,
   D/O.LATE KORAPAN, CHADAYANKUZHIYIL HOUSE,
   P.O.PILASSERY, KUNNAMANGALAM AMSOM, DESOM,
   KOZHIKODE TALUK.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: COMPLAINANT/STATE.

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1. THE SUB INSPECTOR OF POLICE,
   KUNNAMANGLAM POLICE STATION, KOZHIKODE.

2. THE STATE OF KERALA, REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/08/2006, ALONG WITH B.A.NO.5052/2006, THE COURT ON 23/08/2006 PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos.4959/06 & 5052/06

DATED THIS THE 23RD DAY OF AUGUST, 2006

O R D E R

The petitioner in B.A.No.5052/2006 is accused in crime No.115/2006 of Kunnamangalam Police Station, for the offence punishable under Section 55(a) of the Abkari Act. He was found in illegal possession of two liters of illicit arrack and ten liters of wash. However, on seeing the police personnel, he ran away and escaped. Therefore, he could not be arrested. Now he is before this Court, under Section 438 Cr.P.C.

2. The petitioners in B.A.No.4959/2006 are also apprehend arrest in the very same crime. They were before the Sessions Court, Kozhikode, and the prosecution submitted that they are not accused in crime No.115/2006 of Kunnamangalam Police Station. Therefore, the prayer of the petitioners, before the Sessions Court, was disallowed. However, they are before me, in this case, along with the petitioner in

B.A.No.5052/2006.

3. After hearing both sides and considering the submissions of the learned Public Prosecutor that the petitioners in B.A.No.4959/2006 are not accused, I dispose of both the applications as follows:-

4. The petitioner in B.A.No.5052/2006, Rajan @ Rajkumar, shall surrender before the Investigating Officer, who is investigating crime No.115/2006 of Kunnamangalam Police Station, on 29.8.2006 between 10.30 a.m and 11.00 a.m and the Investigating Officer shall interrogate the petitioner and produce him before the competent Court of law, as per the procedure.

5. The learned Magistrate shall consider the application for bail, that may be preferred by the petitioner, and pass orders on merit, on the date of production of the petitioner.

6. In view of the submission of the learned Public Prosecutor that the petitioners in B.A.No.4959/2006 are not accused of the offence, under the Abkari Act, I find that there is no orders required. However, I make it

clear that if the Investigating Officer needs the petitioners for interrogation, in connection with crime No.115/2006, the Investigating Officer shall give notice under Section 160 Cr.P.C., summoning to appear before him.

J.M.JAMES
JUDGE

mrcs